

### **REMARKS**

In response to the Office Action mailed December 10, 2010, Applicants respectfully request reconsideration. Claims 1-13, 15-16, 18-24, 26-28, 30, 32-34 and 38-40 were previously pending in this application. By this amendment, claims 1 and 38 are amended. No claims are canceled or added. As a result, claims 1-13, 15-16, 18-24, 26-28, 30, 32-34 and 38-40 remain pending for examination with claims 1, 18 and 38 being independent. No new matter has been added.

### **Interview Summary**

Applicants thank the Examiner for the courtesies of granting and conducting a telephone interview on March 3, 2011. During the interview, the rejection under 35 U.S.C. §101 was discussed. The Examiner suggested that amendments generally in form made to claims 38-40 herein would be sufficient to overcome the rejection based on the current Office policy.

### **Information Disclosure Statements**

Applicants would appreciate the Examiner's review of the Information Disclosure Statements filed in this application on July 30, 2003, December 5, 2003, December 8, 2003, and April 16, 2004.

### **Rejections Under 35 U.S.C. §101**

The Examiner rejected claims 38-40 under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter. Claim 38 now recites "computer readable storage" in order to distinguish the claimed subject matter from not-statutory items such as signals or carrier waves. Accordingly, withdrawal of this rejection is respectfully requested.

### Rejections Under 35 U.S.C. §103

The Office Action rejected claims 1-3 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Liversidge et al. (U.S. 2002/0076025) in view of Santos (U.S. 2003/0158900), further in view of Churchill et al. (U.S. 2002/0073163). These rejections are respectfully traversed because the cited references are not prior art to any of the claims.

The present application claims priority to a parent patent application files July 19, 1999 ("the priority date"). Liversidge was filed December 18, 2000, Santos was filed February 5, 2002 and Churchill was filed December 12, 2000. Therefore, none of the cited references qualify as prior art under 35 U.S.C. § 102.

Accordingly, withdrawal of the rejections of independent claims 1 and 18 is respectfully requested. Claims 2-13, 15-16, 19-24, 26-28, 30 and 32-34 depend from either claim 1 or claim 18 and are allowable for the same reasons.

The Examiner rejected claims 38-40 under 35 U.S.C. §103(a) as being unpatentable over Liversidge in view of Lerner et al. (U.S. 6,192,395) and further in view of Churchill. These rejections are respectfully traversed because the cited references are not prior art to any of the claims.

The present application claims priority to a parent patent application files July 19, 1999 ("the priority date"). Liversidge was filed December 18, 2000 and Churchill was filed December 12, 2000. Therefore, two of the three cited references do not qualify as prior art under 35 U.S.C. § 102.

Accordingly, withdrawal of these rejections of claims 38-40 is respectfully requested.

### General Comments on Dependent Claims

Each of the dependent claims depends from a base claim that is believed to be in condition for allowance, and Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

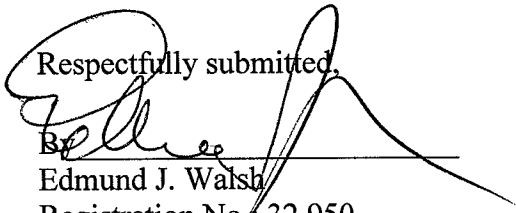
**CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the application in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, any necessary extension of time is hereby requested. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70271US02.

Dated: March 3 2011

Respectfully submitted,

  
By \_\_\_\_\_  
Edmund J. Walsh  
Registration No. 32,950  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
617.646.8000